



Eric Spengler <eric@spengleraganslaw.com>

RE: Magic One Discovery Responses [CNGY-WORKSITE.FID1959347]

Eric Spengler <eric@spengleraganslaw.com>

Mon, May 22, 2017 at 9:28 PM

To: "Yarbrough, Jonathan" <JYarbrough@constangy.com>

Cc: "Rippon, Michelle" <mriippon@constangy.com>, Andy Fitzgerald <andy@fitzgeraldlitigation.com>

Hi Jon,

I received the partial/incomplete discovery responses in today's mail.

Do you have a proposed protective order for our consideration?

We were happy to consent to an extension once on the discovery responses, but they're now past due with the extended 5/18 deadline. Assuming we're able to quickly agree to terms on a protective order, do you know when we can expect discovery responses from the Magic One Affiliates?

I'm afraid we don't have a settlement offer at this time. I'll be honest -- there's a lot of hard feelings on my side from these guys about how they were treated by the company (as evidenced, in part, by the number of representative plaintiffs to step forward). I don't see the case settling before a hearing on class cert. I'll let you know if that changes.

My apologies again on the novel of a Complaint-- wasn't trying to make your life more difficult than necessary, just got carried away with trying to be thorough.

Let me know if you'd like to discuss -- I'm around this week. We can hold off on filing a motion to compel if we get your assurances on a reasonable date certain for the rest of what was asked for in discovery.

Thanks,

Eric

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On Mon, May 22, 2017 at 2:27 PM, Yarbrough, Jonathan <JYarbrough@constangy.com> wrote:

Hi Eric and Andy – I am sure Michelle will chime in but we sent responses to all except the affiliates. Since you are asking for confidential information we want a protective order. Also, I had asked you some time ago about a settlement (in hopes of not having to respond to that novel you wrote). If there is one to be had, shoot me the number/basis.

Jon

Jonathan W. Yarbrough
Partner

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From: Eric Spengler [mailto:eric@spengleraganslaw.com]
Sent: Monday, May 22, 2017 2:26 PM
To: Rippon, Michelle <mripton@constangy.com>
Cc: Yarbrough, Jonathan <JYarbrough@constangy.com>; Andy Fitzgerald <andy@fitzgeraldlitigation.com>
Subject: Re: Magic One Discovery Responses

Hi Michelle,

Thanks for the update re: discovery responses. I'm just now playing catch-up on emails after being out of the office last week.

Can you provide an update on where things stand? I don't believe we've received responses as of yet. That said, I haven't received today's mail yet, so my apologies if we just crossed wires.

Best,

Eric

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On Wed, May 17, 2017 at 3:42 PM, Rippon, Michelle <mripton@constangy.com> wrote:

I have been working with Jon on the responses to your discovery requests. We will provide you with as much as we can by the end of the week. Many of the documents will be produced subject to a Protective Order. I am in the process of preparing the documentation for that and am hoping that you will have no objections. Of course, we can work out any wording that you would like to include.

**Michelle Rippon
Of Counsel**

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